

**REMARKS**

As a preliminary matter, Applicants believe that the objections to claims 14 and 15 are obviated.

Also, Applicants thank the Examiner for discussing this case with Applicants' representatives and thank the Examiner in advance for further consideration of the arguments below regarding the patentability of the pending claims over the applied references.

Claims 1, 4, 8, and 13-16 are all the claims pending in the present application. Claims 1, 8 and 13-16 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over de Boer et al. (U.S. Patent No. 6,616,350), hereinafter referred to as Boer, in view of Takeguchi (U.S. Patent No. 6,735,171). Claim 4 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boer and Takeguchi, and further in view of Falkenstein et al. (U.S. Patent No. 7,016,379).

*§103(a) Rejections (Boer / Takeguchi) - Claims 1, 8, and 13-16*

Claims 1, 8, 10, and 13-16 are rejected over Boer and Takeguchi essentially based on the same reasons set forth in the previous Office Action, except the Examiner adds a few new arguments set forth in the *Response to Arguments* section of the present Office Action. As discussed in the Examiner interview, since Applicants believe that the features discussed in the previous Amendment render the pending claims patentable over the applied references, Applicants substantially maintain the previous arguments.

That is, with respect to independent claim 1, Applicants maintain that the applied references do not disclose or suggest at least, "wherein the method comprises the step of providing at least one additional pair of event signalling bytes in the transmitted frames, the first pair of event signalling bytes being used for signalling events of a first type, whereas the at least

one additional pair of event signalling bytes being used for signalling events of a second type,” as recited in claim 1. The Examiner acknowledges that the primary reference Boer does not teach the above-quoted feature, however the Examiner believes that Takeguchi makes up for the deficiencies of Boer. Specifically, the Examiner alleges:

Takeguchi discloses an SDH transmission system. Takeguchi discloses increasing the functionality of line switching control by utilizing unused bytes of the overhead (Co. 6-8, lines 1-27; claim 16 – additional pair of bytes are not yet reserved for other purposes). Furthermore, though the disclosure of Boer utilizes examples of span and ring protection switches using only one protection line, Boer does disclose that a plurality of protection lines may service a group of working transmission lines (col. 3, lines 35-39). Implementation of the method and network element using a plurality of protection lines would enable multiple span protections of different priority working lines to be performed concurrently (claim 1, 10, 13, - signals includes at least one additional pair of event signaling bytes being used for requesting span protection of at least two different types at the same time as request for ring protection.

In response, first, Applicants submit that Takeguchi does not disclose that unused bytes of the overhead are utilized to increase the functionality of line switching control. Takeguchi only teaches that setting information can be stored in undefined portions of an overhead or predefined byte. By storing the setting information in these respective locations, the reliability of the transferring of the setting information can be enhanced. This is different from providing at least one additional pair of bytes in the transmitted frames, the at least one additional pair of bytes being used for indicating the requests of span protections of at least two different types for at least two different spans at the same time of the request of ring protection.

The Examiner discusses the above-emphasized feature on pages 7-8 of the Office Action in which the Examiner generally alleges that "de Boer discloses simultaneously requesting multiple protections, including both a ring protection and a span protection, by utilizing a pair of K bytes as well as an extension third K byte for protection signaling." Further, the Examiner

generally alleges that "the disclosure of Takeguchi ... is relied upon to show that unused portions of the section (span) overhead, in addition to the 3 K bytes in de Boer, may be used to request further protections." Based on these alleged teachings, the Examiner concludes (without teaching or suggestion in either of the references) that the COMBINATION of de Boer and Takeguchi satisfies the feature, "the at least one additional pair of bytes being used for indicating the requests of span protections of at least two different types FOR AT LEAST TWO DIFFERENT SPANS at the same time of the request of ring protection." Even if, *arguendo*, the Examiner's assessment of the teachings of the respective applied references is accurate, there is still no teaching or suggestion in either of the applied references of the specific feature discussed above with respect to claim 1.

Furthermore, Applicants submit that neither of the applied references satisfy the claimed invention, however Boer, in particular, only discloses the possibility of having a plurality of protection lines for protecting a group of working lines, but it always refers to the same span. Differently, the present invention, as recited in claim 1, for example, involves indicating the requests of span protections of at least two different types for at least two different spans at the same time of the request of ring protection.

At least based on the foregoing, Applicants maintain that claim 1 is patentably distinguishable over the applied references.

Applicants submit that independent claim 13 is patentable at least based on reasons similar to those set forth above with respect to independent claim 1.

With respect to dependent claims 8 and 14-16, Applicants submit that these claims are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

Further, with respect to dependent claim 16, the Examiner still does not even address the specific features set forth in this claim.

§103(a) Rejection (Boer / Takeguchi / Falkenstein) - Claim 4

Applicants submit that dependent claim 4 is patentable at least virtue of its dependency from independent claim 1. Falkenstein does not make up for the deficiencies of the other applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

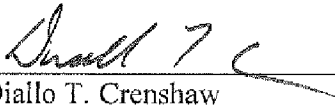
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